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July 29, 1994

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554


Re: ex parte presentation CC Docket 93-129

Ladies and Gentlemen:

We are submitting two copies of this letter to inform the Commission that we are submitting the attached ex parte correspondence concerning CC Docket 93-129, investigation of 800 database tariffs.

Should there be any questions, please contact this office.

Sincerely,


Charles D. Cosson

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. Gregory J. Vogt, Chief-Tariff Division
Common Carrier Bureau
Federal Communications Commission
1919 M Street, NW, Room 518
Washington, DC 20554

Re: 800 Data Base Access Tariffs CC Docket 93-129
ex parte presentation

Dear Mr. Vogt:

We understand from your colleague, David Nall, that the FCC expects to conclude its 800 tariff investigation very soon.

This letter is to bring to your attention a possible misuse of an FCC tariff for 800 access, and our concern that tariffs established for 800 database services have not been consistently applied in accordance with FCC guidelines. We believe these issues are relevant to your investigation, and Independent Telecommunications Network, Inc. ("ITN") appreciates the opportunity to bring them to your attention.

ITN is a carrier's carrier, and provides access to the industry's 800 databases for a large number of independent telephone companies. ITN is owned by 135 independent telephone companies. The company is concerned about two aspects of the Regional Bell Operating Companies' provisioning of 800 database services.

First, we believe that Bell South may be violating The Communications Act and FCC policies by offering access to Bell South's 800 database on a discriminatory and greatly reduced (from its FCC tariff) cost basis. More than a dozen independent telephone companies have reported that Bell South offers 800 access under "contract" for as little as \$87.50 per port per month (two ports are needed for access) for "in-region" service. The filed

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tariff rate for this same service approaches \$1,000 per month. We are unsure how this can be happening, and we wish to know if the Commission believes that Bell South could adjust a tariff in this way. The service being provided includes both intra-LATA and inter-exchange 800 traffic, and is identical to the service for which ITN pays full rates. As we understand it, these "special" rates are only available to independent telephone companies, and only "when Bell South derives benefit" from the deal. ITN believes that such offers are discriminatory and anti-competitive, and we ask how the Commission views these deals.

Second, ITN is concerned about the wide range of prices in the different RBOC tariffs, as well as the differing price structures for the same, identical service. For example, Bell South charges just over \$300 per port, while Pacific Telesis charges more than \$1,300 for the same port. Ameritech charges "special access rates" for transport facilities between their signaling switches and an accessor, but Bell South charges nothing for the same facilities. Moreover, US West charges up to \$1,500 per link. How can this be?

We are aware of the FCC's ongoing tariff review, and we understand the hectic schedule you and your staff are pursuing. We believe, however, that the items we question here are important to maintaining a viable competitive marketplace. Moreover, we believe that your attention to these items, if you have not already considered them, is important to ensure a complete investigation of the 800 tariffs.

Sincerely,



Charles D. Cosson
Attorney for Independent
Telecommunications Network, Inc.

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cc: Kathleen Levitz, Deputy Chief (Policy)
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